

10 February 1956

MEMORANDUM TO: Chief, ORR/DE
T HRU : ROM/RE
ATTENTION : Mr. Al Levy, ORR/DE/C
SUBJECT : Request for Bureau of Commerce Clarification
REFERENCE : ACEP PD 1192, 24 August 1955
Export Regulations, Sections 384.5; 384.9; 385.2

1. Pursuant to a phone call request from Mr. Stephen K. West of your office, the following information and clarification of U. S. Export Regulations is requested.

SECRET 1. Is the exportation of technical data to Communist China from the United States prohibited by export regulations? By technical data, published trade and professional journals in such fields as electronics, physics, engineering and medicine is meant herein. *See memo Mr. Donovan*

Reg 3312 X 2601 says NO
2. If direct trade to China by U. S. firms which supply above-mentioned technical data is illegal, is it also illegal for a U. S. firm to intentionally ship technical data to a free world third country for transshipment to Communist China?

3. If the intentional exportation by a U. S. firm of above-described technical data to a third, free-world country for transshipment to Communist China is illegal, what legal recourse can the U. S. Government take? We are specifically interested in a determination regarding the U. S. Government Agencies which have prosecuting and confiscatory powers, if such trade between a U. S. firm and Communist China is illegal.

4. Assuming such confiscatory and prosecuting powers exist in the above situation, under what circumstances can the U. S. Government intervene by either confiscating or prosecuting such materials or firms, or both?

6. A prompt determination of the above questions would be greatly appreciated.


Chief, WE

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